

24203. Adulteration of butter. U. S. v. H. Arthur Hewett and Joseph H. Eckel (Durant Ice Cream & Creamery Co.). Plea of guilty. Fine, \$50. (F. & D. no. 32181. Sample nos. 40310-A, 40338-A.)

This case was based on interstate shipments of butter which contained less than 80 percent of milk fat.

On September 13, 1934, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against H. Arthur Hewett and Joseph H. Eckel, co-partners, trading as the Durant Ice Cream & Creamery Co., Durant, Okla., alleging shipment by said defendants in violation of the Food and Drugs Act, on or about July 26 and August 9, 1933, from the State of Oklahoma into the State of Illinois, of quantities of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On September 13, 1934, a plea of guilty was entered to the information and the court imposed a fine of \$50.

M. L. WILSON, Acting Secretary of Agriculture.

24204. Adulteration and misbranding of butter. U. S. v. Wilmer E. Scott. Plea of guilty. Fine, \$25. (F. & D. no. 32187. Sample no. 54368-A.)

This case was based on an interstate shipment of butter that was deficient in milk fat and which failed to bear on the packages a statement of the quantity of the contents.

On July 18, 1934, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wilmer E. Scott, Philadelphia, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about December 13, 1933, from the State of Pennsylvania into the State of Maryland of a quantity of butter which was adulterated and misbranded.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1935, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

24205. Adulteration of butter. U. S. v. Rosebud Creamery Co. Plea of guilty. Fine, \$25. (F. & D. no. 32192. Sample no. 40370-A.)

This case was based on an interstate shipment of butter, samples of which were found to contain less than 80 percent of milk fat.

On November 30, 1934, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rosebud Creamery Co., a corporation, Gregory, S. Dak., alleging shipment by said company in violation of the Food and Drugs Act, on or about September 9, 1933, from the State of South Dakota into the State of Illinois, of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of Congress of March 4, 1923, which the article purported to be.

On January 12, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

24206. Adulteration of butter. U. S. v. Hopkinton Cooperative Creamery Association. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 32196. Sample no. 51920-A.)

This case was based on an interstate shipment of butter that contained less than 80 percent of milk fat.

On October 10, 1934, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district

court an information against the Hopkinton Cooperative Creamery Association, a corporation, Hopkinton, Iowa, alleging shipment by said company in violation of the Food and Drugs Act, on or about November 18, 1933, from the State of Iowa into the State of New York, of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923, which the article purported to be.

On December 4, 1934, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

24207. Adulteration and misbranding of butter. U. S. v. The Cudahy Packing Co. of Nebraska. Plea of guilty. Fine, \$27. (F. & D. no. 32218. Sample no. 23767-A.)

This case was based on an interstate shipment of butter that was deficient in milk fat and short weight.

On July 14, 1934, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Cudahy Packing Co. of Nebraska, a corporation trading at North Salt Lake, Utah, alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 25, 1933, from the State of Utah into the State of Nevada, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Sunlight Pasteurized Creamery Butter One Pound Net Sunlight The Cudahy Packing Co. * * * Chicago Distributors."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Butter" and "One Pound Net", borne on the label, were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that it was butter, namely, a product which should contain not less than 80 percent by weight of milk fat, and that each package contained 1 pound net; whereas it did not contain 80 percent by weight of milk fat and each of said packages contained less than 1 pound net. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 16, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$27.

M. L. WILSON, *Acting Secretary of Agriculture.*

24208. Misbranding of shortening and cottonseed meal. U. S. v. Texas Refining Co. Plea of guilty. Fine, \$425. (F. & D. no. 32227. Sample nos. 19850-A, 52351-A, 52356-A, 57881-A, 63651-A, 63793-A, 69053-A.)

This case was based on interstate shipments of shortening which was short weight, and a shipment of cottonseed meal that contained less protein than declared on the label.

On October 26, 1934, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Texas Refining Co., a corporation, Greenville, Tex., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of September 25 and December 5, 1933, from the State of Texas into the States of Arkansas and Oklahoma, of quantities of shortening which was misbranded, and on or about August 19, 1933, from the State of Texas into the State of Kansas of a quantity of cottonseed meal which was misbranded. A portion of the shortening was labeled: "Net Wt. 4 lbs. [or "One Lb."] * * * Cream O'Cotton * * * Manufactured and Guaranteed by Texas Refining Co. Greenville, Texas." The remainder of the shortening was labeled: "4 Pounds Net Weight Blue Bonnet Shortening * * * Texas Refining Co. Greenville, Texas." The cottonseed meal was labeled: "Interstate Brand 43% Protein Cotton Seed Cake & Meal Prime Quality Guaranteed Analysis * * * Protein, not less than 43% * * * Made For Interstate Feed Company Fort Worth-Texas."